

Lincoln Lore

The Bulletin of THE LINCOLN MUSEUM



THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

On the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, among other things, the following, to wit:

That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the laws or customs of which give them no other protection than that of mere property, shall then be in rebellion against the United States, including those States, Territories, and the Executive government of the United States, including those States, Territories, and the Executive government of the United States, shall have therein a majority of the qualified voters of such State shall have taken an oath to support the Constitution of the United States, and the laws thereof, and to act in support of the Union, and to maintain the freedom of such persons, or any of them, in any effects of their rebellion, shall be deemed conclusive evidence of their rebellion against the United States.

And the Executive will, on the first day of January aforesaid, by proclamation, designate the States, Territories, or designated parts of a State, the laws or customs of which give them no other protection than that of mere property, and the fact that any State, or the people thereof, shall be in rebellion against the United States, shall be deemed conclusive evidence of their rebellion against the United States.

ABRAHAM LINCOLN, President of the United States, by the command-in-chief of the army and navy of the United States, do hereby declare that, on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the laws or customs of which give them no other protection than that of mere property, shall then be in rebellion against the United States, including those States, Territories, and the Executive government of the United States, including those States, Territories, and the Executive government of the United States, shall have therein a majority of the qualified voters of such State shall have taken an oath to support the Constitution of the United States, and the laws thereof, and to act in support of the Union, and to maintain the freedom of such persons, or any of them, in any effects of their rebellion, shall be deemed conclusive evidence of their rebellion against the United States.

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Done at the City of Washington this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-seventh.

By the President:

Abraham Lincoln

William Seward Secretary of State

With the autograph signatures of the President and the Secretary of State.

John P. Crowley Secretary of the Treasury

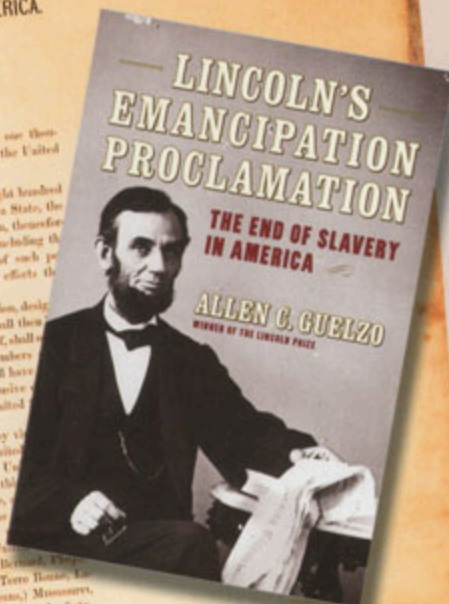


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The Emancipation Moment: Lincoln's Other "First of January"

The 25th Annual R. Gerald McMurtry Lecture

The Lincoln Museum

Ft. Wayne, Indiana

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by Allen C. Guelzo, Henry R. Luce Professor of the Civil War Era
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Apart from Lincoln's birthday on February 12th, no single calendar date in Lincoln's life is more oddly famous than January 1st. New Year's Day, after all, is one of the rare dates Lincoln himself singled out as significant, because he made "that fatal first of Jany. '41" (the date of his broken engagement to Mary Todd) a mark of one of the darkest days of his life. A great deal of puzzlement has gone into exactly what made January 1, 1841, so "fatal." But there is less doubt about the importance that attaches to another First of January in Lincoln's life which occurred twenty-two years after the unhappy state legislator from Springfield felt he had touched bottom. On January 1st, 1863, that same Abraham Lincoln believed he had touched a kind of immortality by putting his signature — his full name, in fact, and not just the usual truncated *A. Lincoln* — to the Emancipation Proclamation, striking the legal shackles from over three million black slaves and setting the nation's face toward the total abolition of slavery within three more years. He called it "*the central act of my administration, and the great event of the nineteenth century,*" and if there was anything which could have overbalanced the gloom of "that fatal first of Jany." in 1841, it was this revolutionary first of January, 1863.¹



Allen Guelzo

We would not know this, however, from the way the Emancipation Proclamation is written about today. Overall, the Proclamation is probably best known for what people think it *didn't* do, or what it *avoided* doing. And if the "fatal First of Jany." in 1841 is a symbol of Lincoln's anxiety and dread, then the first of January, 1863, has become a symbol of deceit and false promises. People love the Second Inaugural; they memorize the Gettysburg Address; but they suspect the Emancipation Proclamation was a legal sham, or simply a trick performed by Lincoln to make the Civil War look like a great moral crusade. This odd dissatisfaction usually begins with the language of the Proclamation; it simply lacks the eloquent flourish of the Gettysburg Address or the Second Inaugural. The Proclamation had, in Richard Hofstadter's savage but memorable phrase, "all the moral grandeur of a bill of lading."² The lack of style, in turn, is supposed to suggest darkly that Lincoln's heart had never really been in emancipation. The Proclamation was, to use Walter D.

On the Cover: From The Lincoln Museum's collection: The Leland Boker edition of the Emancipation Proclamation; the Emancipation Proclamation by Gilman R. Russell, published by Duval and Son, LTD, Philadelphia, 1865 TLM #2643A; The inkwell used by President Lincoln to sign the Emancipation Proclamation; Allen Guelzo; Professor Guelzo's book on the Emancipation Proclamation, the subject of his McMurtry Lecture at The Lincoln Museum



Adalbert Johann Volck [Lincoln writing the Emancipation Proclamation]. TLM #3252

Kennedy's phrase in his recent anti-Lincoln essay, "Lincoln: The Un-Emancipator," merely "a propaganda ploy."³

Casting the Emancipation Proclamation as a document of disappointment instead of freedom may seem at first like little more than another one of those perverse instances of modern American historians trying to (as David Hackett Fischer recently put it) "make the American past into a record of crime and folly," full of racist sound and oppressive fury, signifying nothing but stories of victimization.⁴ But in the case of the Emancipation Proclamation, this skepticism has actually been around for a long time, longer in fact than even Hofstadter's acid comparison of the Proclamation to a "bill of lading." And what's more, it's a skepticism which has a certain rationale to it. After all: why *was* the Proclamation's language so bland? Why did Lincoln wait almost two years into the Civil War to issue it? What were his real motives? These are not cheap shots; they are serious questions. And they go to the heart, not just of the Emancipation Proclamation, but to the place Lincoln and the Civil War occupy in American history.

The American Civil War began on April 12, 1861, when the army of the newly-formed Confederate States opened fire on the federal troops in Fort Sumter and forced them to surrender. The Emancipation Proclamation, in its final form, was signed by

Lincoln on January 1, 1863. So the most obvious fact about the Emancipation Proclamation that raises question-marks in peoples' minds is the matter of timing: *why did he wait so long?* Actually, the question is not as simple as that: inside that question is another one, the *real* question: if the Civil War was really about slavery, and Lincoln was in earnest about abolishing slavery, why didn't he pick up his pen at 9 o'clock on April 13th, 1861, and free the Confederacy's slaves *then*? If Lincoln really meant what he said when he wrote that "I have always hated slavery," then why didn't he act at once? Why does it look as though Lincoln dallied for another year and a half, trying every other way to put down the rebellion and win the war *without* touching slavery? As the one-time black militant, Julius Lester, asked in 1968,

*How come it took him two whole years to free the slaves? His pen was sitting on his desk the whole time. All he had to do was get up one morning and say, "Doggonit! I think I'm gon' free the slaves today. It just ain't right for folks to own other folks." It was that simple. ...There were many factors which led to the Emancipation Proclamation, and it is not only misleading, but a lie, to depict Lincoln as the Great Emancipator.*⁵

Now, of course, one easy answer is to point out that it might not have done much good for Lincoln to have issued a freedom procla-

mation on April 13th, 1861, because the slaves he would have freed were beyond his power — they belonged to another country (if you accept the Confederates' interpretation of themselves) or they were in the hands of outlaws (if you accept Lincoln's) and you simply don't liberate property from outlaws by shouting, "Free!" But this is not a very convincing answer when you realize that, a year and a half later, that *is*, in fact, what Lincoln did. And it certainly doesn't satisfy critics who point out that, even if he couldn't exactly free the slaves in the Confederacy because they were beyond his reach, why didn't he free the slaves of the four border states — Delaware, Maryland, Kentucky, and Missouri — which stayed *in* the Union? Couldn't he have emancipated *them*?

Let's take those questions in reverse, so we can move from the most specific to the most general. Couldn't Lincoln have moved immediately to free the slaves of the border states? The answer to that question is: *no*. In the first place, we live under a constitution which does not grant presidents the plenary power to do anything they please, even if it's for the best of reasons. In the 1860s, before the 14th Amendment and the "incorporation" doctrine firmly subordinated state law to federal authority, a legal and constitutional firewall separated the jurisdictions of the federal and state governments to a degree we would find incredible today. Slavery, surprisingly, was not a creation of federal law; it was the creation of individual state enactments. And so long as that was the case, neither the president nor Congress had the power to reach over that constitutional firewall to touch slavery. If Lincoln had tried anyway, the next morning, the federal courthouses would have been swarming with slaveowners from the Border States filing lawsuits and demanding injunctions. And at the head of the federal judiciary sat the Chief Justice of the United States, Roger Brooke Taney — the same Roger Taney who in 1857 handed down the notorious decision in *Dred Scott v. Sanford*, denying the federal government the power to restrict the spread of slavery in the western territories, the same Roger Taney who would use *ex parte Merryman* in 1861 and *Prize Cases* in 1863 to obstruct the Lincoln administration's entire arsenal of war-making powers. So, no presidential proclamations about slavery — at least before 1863.

That answer, however, only satisfies the last, and most specific, of these questions. We're still not anywhere near answering the next big question — *why did he reverse himself in 1863 and proclaim freedom to the slaves in the Confederacy?* — nor the biggest question of all, since the real point behind all of these questions is whether Lincoln was sincere about eliminating slavery. Proving that he did nothing in 1861 about slavery because he had no power to do so, in either the border states or the Confederacy, only answers our last question; it doesn't speak to whether he really *wanted* to emancipate the slaves. But there *is* an answer to that part of the question, and it lies, not in issuing proclamations, but in a more subtle strategy for emancipation which he began implementing, not in 1863, but in November of 1861, when the war was only seven months old.

As one of the four border states, slavery was legal in the state of Delaware. But it was also marginal — in 1860, only some 1700 slaves were still held in bondage there. Those slaves were protected in their slavery from federal interference by the constitutional firewall; but there was nothing which prevented the Delaware *state*

legislature from emancipating them. And if it did, the constitutional firewall would act the other way, and prevent the federal courts from having any say in the matter. The key, then, was finding a way to leverage a slave state legislature like that of Delaware's into emancipating its slaves on its own. This was exactly the plan Lincoln proposed to try in Delaware in the fall of 1861 by drawing up a federal buy-out plan, under which Congress would dangle the bait of \$700,000 in U.S. bonds before the Delaware legislature to finance a compensated buy-out of the state's slaveholders.

Assuming the Delaware legislature took the bait, not only would this make emancipation court-proof, it would commence a domino effect. Most Delaware slaveholders could be expected to take the money and free their slaves. Those who didn't would have nowhere to go but to the other three border states and sell their slaves there. As they did, they increased the supply of slaves in those three states — and, obeying the law of what happens to prices when supply is increased, that would force the value of slaves downward. If Lincoln turned next to Maryland, and offered the same buy-out plan, panicky Maryland slaveholders who noticed their slave assets losing value would grab the buy-out, triggering the same spill-over into Kentucky and Missouri. And then Lincoln could turn to Kentucky and Missouri and repeat the process. Slavery would disappear from the Border States under the relentless logic of the market, and all without bitter-ender slaveholders having any way of appealing to the federal courts.

There would also be an additional benefit further south. When the Confederate states realized that their border state sisters were opting for emancipation — were, in other words, repudiating the slavery the Confederacy had been founded to adopt — the demoralizing effect would be enormous. Lincoln believed that the Confederacy's survival hinged on whether the rebels could inveigle the border states into joining the Confederacy and staking the Confederacy's boundaries so far north that the federal government could never hope to conquer them. But if the border states opted for emancipation, any hope of the border joining the Confederacy was kaput. The rebels would then realize that the strategic deck was stacked against them, and sue for peace terms — peace terms which could, conceivably, incorporate the same federal buy-out strategy that had worked in the Border. And through all of this, Chief Justice Taney could twiddle his thumbs. "If Congress will pass a law authorizing the issuance of bonds for the payment of the emancipated Negroes in the border states," Lincoln cheerfully assured his old friend, Judge David Davis, then "Delaware, Maryland, Kentucky, and Missouri will accept the terms." And once that was accomplished, "He was quite sure...that gradual emancipation and governmental compensation, would bring [slavery] to an end."⁶

Lincoln's confidence in his compensated emancipation scheme explains, not only why he made no effort to issue an Emancipation Proclamation before 1863, but also why he resisted the efforts of others to install rival, but far less dependable, emancipation programs.

The war was little more than a month old when, on May 23, Virginia's voters ratified the decision of its secession convention to leave the Union and join the Confederacy. The same



General Benjamin Butler. TLM #3486

day, Union troops stationed at Fortress Monroe, the last federal outpost left in Virginia, struck out on their own and cleared the immediate vicinity of the fort around Hampton, Virginia. The inhabitants of Hampton fled, leaving their slaves behind them, and when the soldiers returned to the fort that evening, crowds of hopeful slaves followed them; three of them were eventually brought before Fortress Monroe's commandant, Major General Benjamin Franklin Butler.

Butler was a political general, a Unionist Democrat from Massachusetts whose record in politics had never showed much inclination toward abolition. But Butler saw at once in the three slaves an opportunity to strike a blow at both slavery and the Confederacy. He declared that he was seizing the slaves as what he called "contraband of war," and put them to gainful employment on the post in the same way he might have put any other wartime contraband into the service of the Union.

This was, of course, a good legal joke: goods and material can be "contraband," but not people — unless, of course, the sort of people in question are regarded as no different from goods and materials, in which case the joke was very much on the rebels who had bought and sold people as though they *were* goods and materials. But it was a joke with real consequences. Two days later, there were eight more "contrabands" waiting for Butler; the next

day, there were forty-seven. Butler wrote out receipts for them and sent the receipts to their masters.

The Confederates were not amused, and neither was Lincoln, though for very different reasons. In the first place, by July, Butler had nine hundred contrabands on his hands and less and less work, room and food for them. But more important in Lincoln's mind was the legal message the "contraband" designation was implying. Under international law, "contraband" was what one seized from enemy nations in time of war. But Lincoln's whole argument against the Confederacy was that secession was a legal impossibility, and in fact an act of outlawry, and so the Confederacy could not be regarded in law as a nation, and the war could only be regarded as an insurrection. However, if the war was only a domestic rebellion, then the Constitution draped its ban on attainder (Article 1, Section 9) over the seizure of Southerners' goods as "contraband" for anything but the most temporary military purposes, and the Supreme Court was more than ready to move in at once with some form of injunction. Even if Butler could have persuaded the courts of the legality of seizing the slaves as "contraband," there was nothing in the law of contraband which necessarily dispossessed slaveholders of title to their contraband property. "The possession of real property by a belligerent," warned Henry W. Halleck, the Union general-in-chief and a former lawyer, "gives him a right to its use and to its products, but not a completely valid and indefeasible title, with full power of alienation." Once the war was over, slaveowners had full right to claim the return of their slaves, and emancipation would be a dead letter.⁷

A similar problem occurred in the West that summer. In August of 1861, Lincoln's hot-headed department commander in Missouri, John Charles Fremont, tried to suppress a rebel guerilla uprising by declaring martial law in Missouri, and, under the umbrella of his martial law authority, declaring the slaves of any rebels free. Abolitionists inside and outside Lincoln's party rejoiced — but not Lincoln. For one thing, in 1861, Missouri and the other Border States were still sitting on the fence, and Lincoln could not afford to have a department commander push Missouri and the others into the arms of the Confederacy through premature proclamations of emancipation. But more to the point was Lincoln's legal skepticism about the force of martial law. Americans had fought only two wars since the Revolution, and in only one instance had an American general resorted to declaring martial law. For all practical purposes, there was no American jurisprudence about how martial law was to operate, and Lincoln rightly feared that this was exactly the sort of situation which would generate appeals to the federal courts and a ripe feast for Chief Justice Taney. So Lincoln cancelled Fremont's proclamation and cashiered the general; and when another general, David Hunter, tried to issue a similar proclamation in the occupied districts of the Carolinas, Lincoln revoked that one, too.

Lincoln had similar reasons for doubting the force of a third emancipation strategy, this time a plan hatched in Congress in the form of the First and Second Confiscation Acts. The Confiscation Acts were designed by Illinois senator Lyman Trumbull to strike at the ways the Confederates were using their slave population to further their war effort — through building fortifications, teamster and camp duties, and work in armaments factories, all of which freed

white Southerners for army service — by declaring the “property” of rebel masters “confiscated.” There was less bite to the Confiscation Acts than it seemed: for one thing, the Confiscation Acts “confiscated” slaves, but did not actually emancipate them; for another, confiscation (like seizure of “contraband”) came very close to violating the Constitution’s ban on bills of attainder.” Lincoln signed both acts, but grudgingly. He warned Congress that confiscation ran the risk of being overturned on constitutional grounds, and in fact, he did next-to-nothing to enforce the acts. But in none of these cases — contrabands, martial law emancipations or the Confiscation Acts — was Lincoln’s reluctance about emancipation itself. What worried him, instead, was whether these alternatives to his buy-out plan could pass judicial muster, and he was convinced that they could not.

But the buy-out plan turned out to have problems of its own. Because he had been born in a border state — Kentucky — Lincoln believed that he possessed an intuitive understanding of how Border State slaveholders thought, and what kind of incentives would work on them. In this, he could not have been more wrong. Not only did the Delaware legislature refuse to rise to the buy-out bait, but in the spring of 1862, the congressional delegations from Kentucky, Missouri and Maryland tossed the compensation plan into the waste-bin.

As a veteran of many a legislative battle, the most likely conclusion for Lincoln to draw from this was to try again, either next year or in the next state legislative session. But that required time, and time was what Lincoln suddenly found himself perilously short of.

The reason time evaporated in Lincoln’s hands lay with the Union army, or rather, with the commander of the Army of the Potomac, Major General George B. McClellan. Unlike Fremont or Hunter, McClellan was stubbornly opposed to emancipation; in fact, if there was anyone who believed that the war should be fought solely for the purpose of restoring the Union, it was George McClellan. Although McClellan turned out to be less than Napoleonic on the battlefield, he cultivated close ties to Lincoln’s political opposition, and he was arrogant enough to drop indiscreet hints about the need for a military dictator or even a political intervention by the Army of the Potomac to sideline Lincoln and emancipation, and negotiate an agreeable peace with the Confederacy. In July of 1862, at almost the same time that the Border States turned down the compensated emancipation plan, McClellan presented Lincoln with a letter, warning Lincoln that “Military power should not be allowed to interfere with the relations of servitude, either by supporting or impairing the authority of the master”; otherwise, “a declaration of radical views, especially upon slavery, will rapidly disintegrate our armies.”⁸ This was a very delicate, but very definite, suggestion that Lincoln back off from any further emancipation initiatives.

Significantly, for those who like to criticize Lincoln for half-heartedness on emancipation, it was a hint he refused to take. Two weeks after McClellan handed his letter to Lincoln, the president laid before his Cabinet what has become known as the “First Draft” of an Emancipation Proclamation.

This was an odd shift of tactics for a president who, only a year



Major General Geo. B. McClellan and Lady. TLM #4218

before, had been willing to cashier a general for trying to emancipate slaves by proclamation. But the failure of the border states to rise to his offer, and the threat posed by McClellan, left Lincoln with no other practical choice. Unless he was willing to risk McClellan staging some form of military intervention, emancipation had to be wedged into public policy as quickly and directly as the situation permitted, and the only real option was emancipation by proclamation. At least, in his capacity as president, he had more constitutional room to maneuver than Fremont or Hunter had as generals in their military departments. The Constitution designates the president as the *commander-in-chief* of the armed services *in time of war*, and in war, the president was presumed to possess a set of “war powers” which occupied a vague and untested middle ground between martial law and civil law. But this presumption had a shaky history: the only body of opinion which actually described these “war powers” can be found in a series of comments made by John Quincy Adams on the floor of the House of Representatives in 1836, and again in 1841 and 1842. Many other legal commentators hotly denied that any such “war powers” existed in the Constitution. But it was with these “war powers” in mind that Lincoln composed the “First Draft” of the Emancipation Proclamation.

Because we think we know what an emancipation proclamation should do — free the slaves — it has been easy to focus on what Lincoln’s proclamation did *not* do, because it clearly did not emancipate all of the slaves in the United States. It did not, to begin with, emancipate the slaves of the Border States, nor did it emancipate the slaves in any of the occupied districts of the

Confederacy. But peculiar as this seems, the legal reasons for it were quite obvious: Lincoln's "war powers" only applied constitutionally to the places where there was a war in progress. The border states had never been at war with the federal government, so no "war powers" could be asserted there, unless Lincoln wanted to see his proclamation end up in Roger Taney's lap; and since it had been Lincoln's argument all along that secession from the Union was a legal impossibility, the reclaimed occupied districts were not at war, either. If Lincoln wanted his Proclamation to stick, he would have to zone off the border states and the occupied districts — and their slaves.

But the states of the Confederacy — *any state or states, where in the constitutional authority of the United States shall not then be practically recognized* — were another matter. Having removed themselves from civil jurisdiction, the Confederate states now operated under the war powers of the President as *Commander-in-Chief of the Army and Navy of the United States*. And under the rubric of those powers, Lincoln was prepared to do what no president under any other circumstances could have done legally, and that was declare general emancipation — not just of slaves used in Confederate war service, or the slaves of rebel masters — but of *all* the slaves, without exception, in all rebellious areas. And it declared the emancipated slaves, not merely confiscated, but permanently free, *thenceforward, and forever*.⁹

This was taking a long chance. Instead of pre-empting McClellan, an Emancipation Proclamation might just as easily trigger the intervention McClellan whispered about. But McClellan proved no more adept at political strategy than he had been at military strategy, and when McClellan finally collected his talents and defeated the Confederate army at Antietam in the fall of 1862, Lincoln issued the Proclamation in "preliminary" form, to take effect on January 1, 1863. When McClellan balked at undertaking any further military action, Lincoln successfully sacked him once and for all, and signed the Proclamation into military law on New Year's Day.

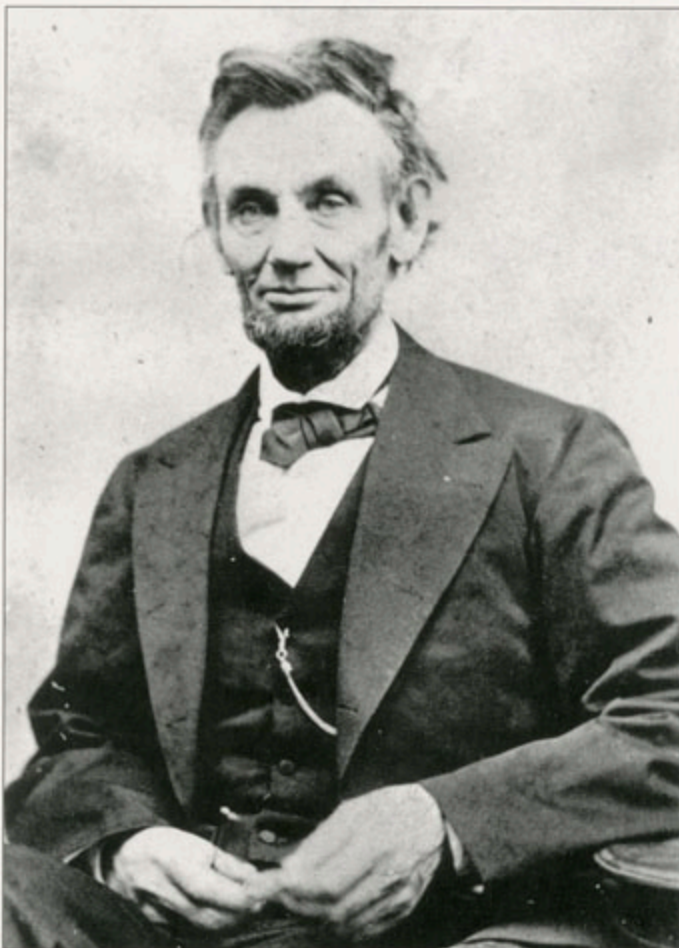
Lincoln's political purposes in the war always pointed in the direction of emancipation. Emancipation, wrote Lincoln's congressional ally and biographer, Isaac Arnold, in 1866, was Lincoln's "deepest, strongest desire of the soul," and from the time of his election "hoped and expected to be the *Liberator* of the slaves."¹⁰ Lincoln was only dubious about the competing legal mechanisms of emancipation, not emancipation itself. True as it is, that the Proclamation is couched in a legalese strangely different from the eloquence of his other famous papers, it cannot be said often enough that this was intended to be a legal document, so that it could have real legal consequences. The Gettysburg Address might have been a tremendous exercise in elegiac rhetoric, but it also accomplished absolutely nothing — literally, it changed the status of no one — apart from dedicating a cemetery. The Emancipation Proclamation, which was fully as prosaic as the Gettysburg Address was memorable, changed the legal state of over three million slaves who *are, and henceforward shall be free*.

It did not, of course, liberate any Southern slaves until the Union armies marched far enough across the South to make it effectual, nor did it liberate slaves in places where the federal

government was sovereign, as in the border states and the occupied Confederacy. But no one believes, in the first case, that law (even martial law) lacks meaning only because enforcement has yet to catch up with it; and no one allowed at that time that federal power had the constitutional right to impose emancipation where the federal courts were open and functioning. It has to be said, also, that the proclamations of Fremont and Hunter were equally technical and prosaic, yet no one among the legions of Lincoln's critics seems inclined to fault them on this score. Set them side-by-side with Lincoln's proclamation, and one yearns for the "bill of lading."

Forgetting that comparison has made it unhappily possible to focus exclusively on the tiniest of the Proclamation's trees, and ignore the testimony of the forest to three home truths about Lincoln and emancipation.

1. Lincoln was *not* pushed reluctantly toward emancipation by noble or far-seeing abolitionists who were further ahead of the curve of history than Lincoln was. Lincoln was already on his own path toward emancipation, and if he was pushed in any way toward an Emancipation proclamation, it was by emancipation's enemies, like McClellan, who looked like they were gathering strength to kill the emancipation project once and for all.
2. The Emancipation Proclamation was *not* a sentimental trick



Photograph of Abraham Lincoln taken by Alexander Gardner on Feb. 5, 1865. TLM #0-116

to enlist the sympathy of the North or the European nations or the abolitionists for a war effort which was flagging. For who, exactly, was being tricked? Far from waiting to be fooled by Lincoln's cleverness into rallying around the Emancipation Proclamation, the Northern public was largely hostile to emancipation, and six weeks after the preliminary Emancipation Proclamation was issued, Northern voters administered one of the most punishing electoral rebukes any majority political party has ever sustained — the November, 1862, Congressional elections cost Lincoln's party thirty-one seats in the House of Representatives.

3. Lincoln did *not* issue the Emancipation Proclamation as a political device for his supposed 'real' objective, saving the Union. Saving the Union, as Lincoln and the Confederates both knew very well, was the only way to ensure that Southern slaveholders could be pinned into place, bargained out of their slaves by Lincoln's compensated emancipation plan, and forced to let their people go. Why else did the Confederate states secede, if not to escape the bonds of a Union that they knew, in Lincoln's hands, would set slavery on a downhill path from which it could never return?

Frederick Douglass once remarked that, if you viewed Lincoln from the most extreme abolitionist position, then indeed, this author of gradual, compensated emancipation looked "tardy, cold, dull, and indifferent." This requires, however, belief in a vision of immedi-

ate and absolute abolition that never had a chance under heaven of succeeding. But, Douglass added, looked at from the viewpoint of the average American, North and South, Lincoln was in fact "swift, zealous, radical, and determined." It was a determination with the flexibility to consider more than one *path*, but it was also a determination that did not propose ever to negotiate the *fact* of emancipation. It was also a personal landmark for Abraham Lincoln. Twenty-three years before, he had been a provincial lawyer and state legislator, depressed with the failure of the Whig legislative agenda in Illinois and with the collapse of his romantic entanglement with Mary Todd — so badly depressed in fact that he considered himself "the most miserable man living."¹¹ Twenty-three years later, the "fatal First of Jany." had become the Glorious First of January, and the era of emancipation had begun.

In recognition of the excellence of Professor Guelzo's book, *Lincoln's Emancipation Proclamation: The End of Slavery in America*, he has been awarded both the Lincoln Prize and the Abraham Lincoln Institute Prize. In both cases, Allen Guelzo is the first author to win each prize twice.

[Editor's note: Thanks to the Edward M. and Mary McCrea Wilson Foundation for providing the funds to print this Lecture.]

Endnotes

- ¹ Francis Carpenter, *Six Months at the White House with Abraham Lincoln: The Story of a Picture* (New York: Hurd & Houghton, 1866), p. 90.
- ² Richard Hofstadter, "Abraham Lincoln and the Self-Made Myth," in *The American Political Tradition and the Men Who Made It* (1948; rept. New York: Knopf, 1973), pp. 117, 129, 131.
- ³ Walter D. Kennedy, "Lincoln: The Un-Emancipator," in *Myths of American Slavery* (Gretna, LA: Pelican, 2003), p. 172.
- ⁴ David Fischer, *Washington's Crossing* (New York: Oxford University Press, 2004), p. 79.
- ⁵ Julius Lester, *Look Out, Whitey! Black Power's Gon' Get Your Mama!* (New York: Dial Press, 1968), pp. 58, 63.
- ⁶ David Davis to Leonard Swett, November 26, 1862, in *Concerning Mr. Lincoln, in Which Abraham Lincoln Is Pictured as He Appeared to Letter Writers of His Time*, ed. Harry E. Pratt (Springfield, IL: Abraham Lincoln Association, 1944), p. 95; Orville Hickman Browning, diary entry for December 1, 1861, in *Diary of Orville Hickman Browning*, ed. T.C. Pease and J.G. Randall (Springfield, IL: Illinois State Historical Library, 1925), volume one, p. 512.
- ⁷ "The Contrabands at Fortress Monroe," *Atlantic Monthly* (November 1861), pp. 626–627; Robert F. Engs, *Freedom's First Generation: Black Hampton, Virginia, 1861–1890* (Philadelphia:

University of Pennsylvania Press, 1979), pp. 18–22; Henry W. Halleck, *International Law; or, Rules Regulating the Intercourse of States in Peace and War* (San Francisco: H.H. Bancroft, 1861), p. 447.

- ⁸ George McClellan, "To Abraham Lincoln," July 7, 1862, in *The Civil War Papers of George B. McClellan: Selected Correspondence, 1860–1865*, ed. Stephen Sears (New York: Ticknor & Fields, 1989), p. 345.

- ⁹ AL, "Emancipation Proclamation—First Draft," September 22, 1862, in *Collected Works of Abraham Lincoln*, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), volume five, p. 336.

- ¹⁰ Isaac Arnold, *The History of Abraham Lincoln and the Overthrow of Slavery* (Chicago: Clarke & Co., 1866), pp. 300, 685–686.

- ¹¹ Frederick Douglass, "Oration in Memory of Abraham Lincoln, Delivered at the Unveiling of the Freedmen's Monument in memory of Abraham Lincoln, in Lincoln Park, Washington, D.C., April 14, 1876," *Frederick Douglass: Selected Speeches and Writings*, eds. P. Foner and Y. Taylor Chicago, IL: Lawrence Hill Books, 1999), p. 621; AL, "To John T. Stuart," January 23, 1841, in *Collected Works*, volume one, p. 229.

Author's Corner

By Frank J. Williams, Chief Justice of the Rhode Island Supreme Court and founding Chair of The Lincoln Forum

Q. Please comment on the ramifications of the military trial of Mary Surratt and the civil trial of her son John.

A. At her trial, one of her defense attorneys, Senator Reverdy Johnson, argued that a military commission had no right to try her or the other alleged assassins. The military tribunal ignored this plea, found Mary Surratt guilty and sentenced her to hang. Despite efforts for clemency from President Andrew Johnson, she was executed on July 7, 1865

— the first woman to be executed in our federal criminal system.



Frank J. Williams

Attorney General James Speed had previously given the opinion that trials of civilians by military commissions were legal in time of war. But it was not until July 1865, after the trial was completed and after Mary Surratt and three other conspirators had been executed, that Speed issued his detailed statement justifying the legality of the military commission. To Speed, Surratt, and the others charged were “secret active public enemies,” as such they “...committed the deed as public enemies,...[and] ought to be tried before a military tribunal. If the persons charged have offended against the laws of war, it would be...palpably wrong for the military to hand them over to the civil courts....” One other argument for the use of military tribunals is that the war was still in affect and that President Andrew Johnson did not declare martial law over and peace within the United States until August 20, 1866.

So, one of the issues was whether political sensitivities for a quick trial before a military tribunal was appropriate, whether a military commission was an appropriate tribunal for trying alleged conspirators and whether the conspirators received fair trials.

The United States Supreme Court in *ex parte Milligan*, decided in 1866, indicated that the government should use the civilian courts when they are in operation, thus, disavowing military tribunals.

Mary Surratt's son, John, was a confederate spy and accomplice of John Wilkes Booth. Escaping to Canada and then becoming a Pontifical Zouave at the Vatican, he was arrested as a fugitive and brought back to the United States to stand trial in 1867 in the Supreme Court of the District of Columbia. The trial, using civil process and with twelve jurors, resulted in a hung jury, continuing the discussion whether those accused of involvement in the murder of a commander-in-chief should be tried by a military commission or through our civil process.

Did the United States have the legal right to try the conspirators before a military commission? Historically, military commissions during wartime began as traveling courts when there was a need to impose quick punishment. The use of military tribunals, rather than the normal justice system, was used not only during the Civil War, but also during the Revolutionary War, Mexican War, and both World Wars. Abraham Lincoln declared martial law and authorized such forums to try guerillas (terrorists) because of the ability of the tribunals to act quickly; their ability to preserve and protect intelligence gathering through interrogation; limit life-saving information from becoming public and otherwise protect civilians who would have been jurors if tried in a U.S. District Court. During the Civil War, the Union Army conducted at least 4,271 trials by military commission, reflecting the disorder of the time.

Q. Abraham Lincoln is frequently criticized for his suspension of *habeas corpus* during the Civil War. Do you believe that he was justified in taking this action? Are there similar cases in American history?

A. I do believe President Lincoln was justified for suspending the precious writ of *habeas corpus*. This is as difficult for a lawyer and judge to say as it was for Lincoln to do. In fact, Lincoln wrote to General Winfield Scott that he would have preferred the bombardment of Baltimore to suspension of the writ of *habeas corpus* which he had just authorized because of guerilla activity in Maryland.

The writ of *habeas corpus* is a procedure by which one who is in prison can be immediately released if his imprisonment is found not to conform to law. One must remember that the Constitution does permit the suspension of the writ in “cases of rebellion and when the public safety” requires it. Much of the argument relates to who has the power: Congress or the President.

Lincoln defended his unilateral action (Congress would later ratify it and authorize the suspension by the President) in his report to Congress on July 4, 1861:

“[T]he whole of the laws which I was sworn to [execute] were being resisted... in nearly one-third of the states. Must I have allowed them to finally fail of execution? ...Are all the laws but one [the right of *habeas corpus*] to go unexecuted, and the government itself go to pieces, lest that one be violated?”

Three other suspensions were subsequently ordered on the basis of authorizations from Congress — in nine counties in South Carolina in order to combat the Ku Klux Klan, pursuant to the act of April 20, 1871; in the Philippines in 1905, pursuant to the act of July 1, 1902; and in Hawaii during World War II, pursuant to a section of the Hawaiian Organic Act passed in 1900.

Q. According to international law, did any of President Lincoln's actions vis-a-vis the Confederacy (e.g. the

naval blockades) in effect give national recognition to the seceded states?

A. Despite Lincoln's establishment of a blockade of the southern coast and the argument that such a blockade was tantamount to recognizing the Confederate States of America as a belligerent nation, Lincoln never would give recognition to the Confederacy but as states in rebellion. He treated the Civil War as an "insurrection" not a war. Neither was there a declaration of war.

Q. Abraham Lincoln assumed war powers even though war had not been formally declared. Please comment on this and instances of the same action by other presidents.

A. In the eighty days that elapsed between the April 1861 call for troops, after the firing on Fort Sumter, and the convening of Congress in special session on July 4, Lincoln performed a whole series of important acts by sheer assumption of presidential power. First, he proclaimed not "civil war" in those words, but the existence of "combinations too powerful to be suppressed by the ordinary course of judicial proceedings." He called forth the militia to "suppress said combinations," which he ordered "to disburse and retire peacefully" to their homes. He enlarged the Army and Navy, appropriated money for the purchase of weapons, established the blockade of the southern coast, and suspended the writ of *habeas corpus* — all without authority from Congress.

We know that only Congress is constitutionally empowered to declare war, but suppression of rebellion has been recognized as an executive function, for which the prerogative of setting aside civil procedures has been placed in the President's hands.

Lincoln regarded these as measures he could take under the President's "war powers" even though there is no specific section in the Constitution referring to "war powers."

Lincoln answered his critics with a reasoned, constitutional argument. A national crisis existed and in the interest of self-preservation he had to act. At the same time, he recognized that Congress had the ultimate responsibility to pass judgment on the measures he had taken. He found the right of self-preservation in Article II, section 1, of the Constitution, whereby the chief executive is required "to preserve, protect, and defend" it, and in section 3, that he "take care that the laws be faithfully executed." Laws which were required to be "faithfully executed" were being resisted and "failed of execution" in nearly one-third of the states. Lincoln's own definition of war powers made emancipation possible. Franklin Delano Roosevelt's emergency economic powers during the Depression allowed him to advocate change that might otherwise have been challenged as overreaching. The enlarged Cold War presidency was responsible for keeping America secure in a perilous world and aided John F. Kennedy and Lyndon B. Johnson in making use of the office to secure for the civil rights movements the legislative reforms of the 1960s.

While later historical developments were to establish formidable wartime powers for the President, James Madison's command of the nation's military effort during the War of 1812 was undistinguished. He was handicapped not only by his inability to influence

Congress but also by personal qualities that were poorly suited to the tasks at hand.

Unlike Madison, James Polk, while not pushing the presidential office's power as commander-in-chief to its limits — like Lincoln — demonstrated that a president without previous military experience could provide decisive wartime leadership. During the Mexican War he determined the general strategy of military and naval operation, chose commanding officers, gave personal attention to supply problems, energized a general staff, controlled the military and naval estimates and used the Cabinet as a coordinating agency for the conduct of the campaign.

Relying on his broad, Supreme Court — sanctioned understanding of the President's foreign policy authority, Franklin Delano Roosevelt concluded the controversial Lend-Lease Agreement with Great Britain in 1941, paving the way for the United States to send fifty naval destroyers to help Great Britain in its battle with Nazi Germany. World War II greatly accelerated the flow of power to the executive, allowing FDR to assert an inherent executive prerogative more boldly than he could have before Japan's attack on Pearl Harbor, December 7, 1941. Under total war, FDR believed that the President is empowered not only to direct military operations abroad but also manage economic and social affairs at home. He demanded that an effective program of wage and price controls be created, telling Congress that if they did not act, "I shall accept the responsibility and I will act." Congress acted. And President Lyndon Johnson believed that the Gulf of Tonkin resolution, not the equivalent of a declaration of war, authorized him to commit U.S. forces to the defense of South Vietnam. Johnson believed that Article II of the Constitution gave him a grant of authority to extend the actions of the United States in Vietnam.

Q. Please refute the charge that Lincoln was not a very successful attorney. Why has this perception endured?

A. Abraham Lincoln had two very successful careers — politician and lawyer. He was a politician first and then a lawyer and both careers were inextricably entwined. He was certainly more than an ordinary lawyer when he practiced on the Eighth Judicial Circuit in central Illinois. After all, how many attorneys, either in Lincoln's day or today, can claim a career spanning twenty-four years, handling more than 5,000 cases and appearing in over 333 of them before the Supreme Court of Illinois. All this and politics too. I think the law also gave him time to think and to learn about human nature and the broader purpose of democratic life. While not a specialist, as few existed in his day, he was a well-rounded lawyer with a comprehensive practice. These included cases as diverse as the validity of a slave as consideration for a promissory note, enforcement of gambling debts, seduction, guardianship, foreclosure of mortgages, divorce, specific performance, county seat wars, ejection, wills, the defense and sometimes the prosecution of criminal cases, personal injuries, libel and slander, injunction, replevin, patents, taxation, insurance, statute of frauds, constitutional law, real estate and procedure at law and equity. At times, he even served as acting Circuit Judge. If there was a myth that Lincoln was not a successful attorney it would have originated with elitist attorneys who practiced east of the Appalachian mountains — those New York, Boston, and Philadelphia-trained

attorneys who would look down their noses at this “hay seed” from the west. As one of his lawyer colleagues and political allies, Leonard Swett, said, “Any man who took Lincoln for a simple-minded man would very soon wake up with his back in a ditch.”

Q. Many historians comment on Lincoln’s ambivalence in some areas, particularly in regard to such issues as enforcement of the fugitive slave law. Did his respect for the Constitution and his personal feelings sometimes conflict with each other?

A. Yes, there was certainly conflict — but the whole country was conflicted. After all, the Declaration of Independence said, “All men are created equal” and then we adopted a Constitution that allowed and protected slavery. While Lincoln abhorred slavery, “If slavery is not wrong, nothing is wrong,” he felt duty bound to recommend the enforcement of the pro-southern Fugitive Slave Law and even the horrendous *Dred Scott* decision until the war came and he could use his war powers for issuance of the Emancipation Proclamation as well as his strong, able and effective political support for the 13th Amendment that would finally eradicate slavery. As for the Fugitive Slave Law, I do not believe that Lincoln was ambivalent at all. His view of the Act was simple and consistent. He regarded the law as something which “springs of necessity from the fact that the institution [of slavery] is amongst us,” and therefore something about which he cared “... but little.” He was more interested in the “ultimate extinction” of slavery from the United States. The Act was never a favorite with him but he wasted little time opposing it. In the senatorial debate against Stephen A. Douglas for the U.S. Senate in 1858, Lincoln often stated that he was not for unconditional repeal of the Fugitive Slave Act and was not interested in creating a new controversy in the slavery crisis. Though “distasteful” to him, he would vote for a Fugitive Slave Law as a constitutional duty and that unfriendly legislation by a state could not override the Fugitive Slave Clause of the Constitution (Article IV, Sec 2). Once Civil War began, Lincoln was less willing to enforce the law and in a letter of November 20, 1862, stated that “I may as well surrender this contest, directly, as to make any order, the obvious purposes of which would be to return fugitive slaves.”

Q. You are well known as both a Lincoln author and editor. Please comment on the skills needed for each task. Which process do you prefer?

A. Actually, I like both writing and editing. Each serves as an escape from my duties as Chief Justice — especially the administrative duties that I am required to perform daily. I believe one must just be willing to sit down and write, write, write until exhausted. You need infinite patience and care as well as a sense of humor.

Q. In your view of U.S. History, who was the most important political figure who did not serve as president?

A. Of course, John Marshall, third Chief Justice of the United States Supreme Court. He is a hero to all lawyers and judges because of his role in establishing and insuring the independence of the judicial branch of government. While the Constitution antic-

ipated three co-equal branches of government with checks and balances, Marshall saw that this was accomplished. He is an inspiration to me as another Chief Justice and I take many a lesson from him as to his civility and collegiality among his colleagues on the bench. They all boarded, ate, and drank at the same establishment in Washington. This gave him an opportunity to use his skills and convince his colleagues of his position on many cases. He is a true American hero who, while not a “political figure” in the traditional sense, was a political leader who just happened to be Chief Justice.

Q. What are your current Lincoln projects?

A. I am finishing a book on the Emancipation Proclamation, *The Emancipation Proclamation, Three Views — Political, Social, and Pictorial* with Harold Holzer and Edna Greene Medford for Louisiana State University Press to be published, we hope, in 2005. Of course, I continue on my manuscript of an annotated Lincoln bibliography that will include about 6,000 entries which I hope will be completed in time for the Abraham Lincoln Bicentennial in 2009. Southern Illinois University Press will publish this. I also signed a contract with SIUP to do a book on my experiences, yet to begin, as a member of the Review Panel for the military tribunals being held in Guantanamo Bay Naval Base, Cuba.

About the Author

Frank J. Williams is Chief Justice of the Supreme Court of Rhode Island and founding Chair of The Lincoln Forum. This year President George W. Bush, through the Secretary of Defense, appointed Chief Justice Williams as a member of the Military Commission’s Review Panel for military tribunals to be held at the Guantanamo Bay Naval Base, Cuba. His latest book *Judging Lincoln* was published by Southern Illinois University Press.

Reflections on the Political Philosopher's Lincoln

Joseph R. Fornieri, Assistant Professor of Political Science at Rochester Institute of Technology
Author of *Language of Liberty* and *Abraham Lincoln's Political Faith*

As one who approaches the study of Abraham Lincoln from the standpoint of political philosophy, I am interested in exploring ultimate questions about the moral foundations of the American regime and the meaning of Lincoln as a representative of American political order. Political philosophy is the quest for wisdom about politics. Broadly speaking, the subject of politics concerns the way people order a common life in view of some shared good. Lincoln well recognized that political action and public policies aim at some good for society (whether real or apparent). Because the study of politics necessarily involves a consideration and choice of what is good, expedient and just for man as an individual and for society as a whole, it is necessarily fraught with moral significance. If one scratches beyond the surface of politics, one finds that it inevitably leads to deeper questions about human nature and how we ought to live. For example, the centrality of equality in the American political tradition is based upon our liberal democratic commitment to the inviolability of human dignity. Probe further, and one finds that this article of faith derives from the biblical understanding of the sacredness of human life as created in the image of God — *imago Dei*. We believe that each human being, as a bearer of unalienable rights, is entitled to be treated as an end unto himself and that government is morally obliged to respect the inviolable dignity of each individual regardless of incidental qualities like race, creed, and color. Yet we further believe that the worth and dignity of each person cannot be exhausted in terms of a mere functional capacity, cognitive ability or material cause.



Joseph Fornieri

If our humanity could be explained fully in terms of material factors, would it follow that those who possess superior genes or superior cognitive abilities would be more human than those who are deficient in these qualities in some respect? We all recognize intuitively that we are somehow more than our DNA, our ability to reason, and our conditioned response to stimuli. To reduce our very humanity in terms of a material element apart from the sacred dimension of our nature as a unique revelation created in the image of God paves the way for our degradation to the status of instrumental beings. Our worth is no longer unconditional, but may be purchased at a price and quantified in terms of a merely human measurement, one that arbitrarily places a higher value on some aspect of our humanity over another. Indeed, Lincoln viewed the affirmation of equality in the Declaration as an affirmation of the supreme value and inviolable dignity of each individual human

being as an end in himself. At Lewistown in 1858, he interpreted the Declaration as the Founder's "majestic interpretation of the economy of the universe" where they proclaimed to all the world "their lofty, and wise, and noble understanding of the justice of the Creator to His creatures." Lincoln viewed the unconditional worth of each individual as our moral compass.

It would be wrong, however, to conclude that political philosophy is a-historical in its consideration of ideas and values. Though he did not write on Lincoln, the great political philosopher Eric Voegelin emphasized that the study of politics must take its bearings from the concrete record of human order and disorder embedded in history. Voegelin began his magnum opus, *Order and History*, with the pregnant aphorism, "The order of history emerges from the history of order." According to Voegelin, political actors articulate their symbols and convey their meaning in the context of an existential struggle for order, and against the perceived or real disorders of their time. Indeed, the political thought and action of many of the greatest figures in human history emerge as a concrete response to the disorders of their time — Plato wrote during the decline of Athens and its execution of his teacher Socrates; St. Augustine during the fall of the Roman Empire; Machiavelli during the fall of the Florentine Republic and the pillaging of Italy by the barbarians. And Lincoln, of course, wrote during the ordeal of the Civil War era, which tested the very meaning of the nation's political faith of equality and liberty. Political philosophy considers the universal lessons of human nature and society as they are manifested within the particular circumstances of time and place. It seeks to appreciate both the universal and the particular. True political philosophy, as envisioned by Voegelin, thus resists the dual temptations of an a-historical approach that considers the articulation of symbols and meanings in the abstract apart from their engendering context; and a *historicism* that reduces all meaning as relative to the particular circumstances of time and place.

On the contrary, political philosophy includes both a historically descriptive element that examines "how things are" and a philosophically prescriptive or normative element that evaluates how things "ought to be." Human reason, divine revelation, self-interest, utility, tradition, the will to power, productive forces, will of the majority — all of these have been offered, at one time or another, as the proper guide to understanding political life. Political philosophy seeks to evaluate these standards critically.

To me, Lincoln is of enduring interest as both a man of ideas and of action. He represents a bridge between theory and practice. Notably, unlike many of the great thinkers above, his profound reflections on the American political order were not systematically conveyed within a philosophical treatise or doctrine. Instead, they unfold in his political speeches and writings, from the standpoint of someone directly involved in the struggle to preserve both the Union and the principles for which it stood. In light of this conflict,

no one, to my mind, has provided such a compelling moral justification of the American political order. Indeed, Lincoln's reflections on law and morality, religion and politics, faith and reason, legitimacy and authority, and equality and democracy are among the most thoughtful ever given. He is perhaps the defining figure of our regime, with the possible exception of Washington. Yet for all his greatness of action, Washington's words and thoughts do not reach the same heights or depths as Lincoln's.

Lincoln is also of enduring significance to the political philosopher because he provides a model of great statesmanship. In speech and deed, Lincoln manifested many of the virtues or excellences praised by philosophers in their ethical treatises. William Lee Miller demonstrates this in his wonderful book, *Lincoln's Virtues*. In particular, I believe that Lincoln embodies St. Thomas Aquinas's understanding of the virtue of prudence as the harmonization of moral principle under the circumstances. He also typifies, to my mind, Aquinas's understanding of the reconciliation between pagan magnanimity and Christian humility. Lincoln was the rare individual whose character combined greatness without pride, humility without pusillanimity. I often emphasize to my students that the study of political science necessarily involves them in the study of history, philosophy, religion, economics and literature. My approach to the study of politics is interdisciplinary. I have sought to build upon and combine the seminal insights of a political historian like Don E. Fehrenbacher and a political philosopher like Harry V. Jaffa. I see much in the work of these two great scholars as complementary, even though their focus differs as a respective historian and political scientist.

While I do not want to minimize the differences between the fields of history and political science, I do wish to emphasize the unity

of truth and to stress the important contribution that each makes towards advancing the frontiers of knowledge. The focus of any discipline is necessarily limited to allow specialization. Thus the perspective of each discipline — and each scholar for that matter — gleans only a portion of the whole. Because the truth cannot be straight jacketed by an ideological "one-size-fits-all" explanation or methodology, each field can greatly benefit from the unique insights and perspectives of the other, instead of hermetically sealing itself off.

In my next book, *Lincoln's American Dream: Clashing Political Perspectives* Potomac Press, June 2006, which I have co-edited and co-authored with fellow political scientist Kenneth L. Deutsch, I have sought to continue the dialogue between the various academic disciplines. The book combines the insights of notable historians and political scientists who present divergent interpretations of Lincoln's political thought and leadership. It includes an extended introduction to guide the reader through some of the recurrent debates over Lincoln's thought and legacy. It is organized thematically; each chapter will present clashing perspectives on topics of enduring interest to students and scholars alike. Was Lincoln a racist? Did he betray the Founders? Did he establish a constitutional dictatorship? Was he messianic in his expectations of politics? Or was he a religious skeptic who used religion for political ends? Was he the self-described towering genius in the Lyceum Address who sought political glory at any cost? Our abiding fascination with Lincoln, his centrality to the American experience and his meaning for us today transcend disciplinary boundaries. Professor Deutsch and I have written this book in the hope that it will lead to a deeper appreciation of Lincoln's thought, leadership, and legacy — a virtually inexhaustible and enriching subject in my view!

Did You Know?

[Editor's note. It is always interesting to search old *Lincoln Lore* for articles which former editors thought newsworthy. The following facts have been chosen from two issues which were published September 14 and September 21, 1936, Louis Warren, Editor]

1. Who were Lincoln's first two school teachers?
2. Across what river did he operate a ferry?
3. How old was Robert Lincoln at the time of his father's death?
4. Name month and year when Lincoln was chosen captain of a military company.
5. At what age was he appointed a Postmaster?
6. In what year did Thomas Lincoln die?
7. Name the five Former Presidents still living when Lincoln was first inaugurated.
8. Who pronounced the final eulogy over Lincoln's body at Springfield?

8. Bishop Simpson

Answers: 1. Zachariah Riney and Caleb Hazel; 2. Anderson River; 3. Twenty one; 4. April 1832; 5. Twenty four; 6. 1851; 7. Van Buren, Tyler, Fillmore, Pierce and Buchanan;

Book Review

Fanatics & Fire-eaters: Newspapers and the Coming of the Civil War. Lorman A. Ratner and Dwight L. Teeter, Jr.
University of Illinois Press. 138 pages.

Reviewed By Craig Klugman, Editor, Fort Wayne, IN Journal Gazette

In the days when newspaper archives consisted of clippings, a story that mostly rehashed old news was called a clip job. It was not a term of praise. A clip job suggested that a reporter used one new, probably not very important fact followed by a rewrite of old news from the clips. Today, because newspapers store their archival material electronically, the term is not used much, if at all.

But the technique certainly is. The nature of *Fanatics & Fire-eaters* demands a lot of quotations from old newspapers. But there is nothing new in this work. It's a clip job taken to its most extreme level, a book.

The authors are both professors. Ratner is an adjunct history professor at the University of Illinois, and Teeter is a well-known communications professor now at the University of Tennessee. They have organized their book around six significant news events leading up to the Civil War: The caning in Congress of Charles Sumner by Preston Brooks, the Dred Scott decision, Kansas and the Lecompton constitution, John Brown's raid, the election of Abraham Lincoln, and the firing on Fort Sumter.

Those were, to say the least, newsworthy events. Without exception, the leading characters were larger than life, and their actions resonate with historians and history buffs a century and a half later. Private libraries can be filled with books about them. But in the hands of Ratner and Teeter, the events and the people behind them have been expunged of all drama and personality. Keep in mind that the newspapers of the day and their editors were not without interest themselves. The authors merely touch on a few of them, carefully making sure not to go overboard with anything like, oh, enthusiasm for the topic or the people.

With so flamboyant a title, the book should have been something more than a recitation of predictable commentary of the pre-Civil War press. Where are the fanatics and fire-eaters? Who were the men who ran the newspapers, who wrote incendiary commentary, and who shaped the newspaper industry for decades after? What happened to them?

OK, let's play fair. This is a study of how newspapers covered events; so there need not be numerous personalities. This is an academic study; so of course the writing has to be low key, even dry, written in straightforward, professorial prose.

Oh, really? Is that why the authors, employing the worst of journalistic and academic prose, use hackneyed phrases like "spitting into the wind" on the same page as the abstract "Developments in news flow after the telegraph are a paradigm for information dissemination"? Is that why they write such graceless sentences as "Their business operated without ethical standards, and the reading public and society in general paid a price for that lack"? Is that why they use and overuse clichés and breathless language like

"John Brown had set the match to the powder keg," "the attack on Fort Sumter provided the spark that ignited the powder keg" (exploding powder kegs 20 pages apart), "the Fort Sumter incident represented...a passing of the point of no return," and "what happened...at Fort Sumter, South Carolina, was well-nigh inevitable."

There are other well-nigh inevitable editing problems, too. The brief story of a pro-southern New York editor, Gerard Halleck, is told twice, on page 23 and on page 28. Is it Gerrit Smith (pages 72 and 73) or Gerritt Smith (page 76)? Are "definitive answers" to Lincoln's views on the key issues of the time "illusive" (page 86)? Or could his "position on slavery be summarized as belief that slavery was wrong, that it should not be allowed to expand beyond its current borders, and that eventually, and by orderly and legal means, it should expire" (page 90)?

So why put together such a book? I think the professors give the game away with a few sentences. One appears on page 19, right after that terrible sentence about a lack of ethics: "America's first mass media were driven in the 1850s by a hunger for profit and power — a distant echoing predictor of the feral pursuit of profit by the merging communications conglomerates of the late-twentieth and early twenty-first centuries."

The other sentences appear on page 118, the second-to-last page of the narrative. "We can only wonder what might have happened had the press been fairer, more balanced, and less strident in describing and explaining events as well as characterizing key figures and whole segments of society. Newspapers, strutting and posturing, chose to exaggerate in order to excite the passions of readers."

Ah, yes. Let's take the opportunity of a new book to get in a couple of digs at the ugly side of newspapering, the business of marketing and *money*. If only newspapers didn't have to do such distasteful things as appeal to readers and make a profit. If only newspapers could always be level headed, high minded, dispassionate, and free of bias. If only they could also be free of economic imperatives. If only they didn't reflect the world that produced them.

The sentences on Page 118 — the ones about what if the press had been fairer, etc. — are particularly frustrating and naive. Newspapers in the mid-19th Century made utterly no pretense of objectivity or fairness. They weren't *supposed* to be fair and balanced. They were creatures of publishers who had an agenda, almost always a declared political agenda.

To wish for an independent, objective press in 1855 is like wishing that Julia Roberts didn't attract a crowd. It's a dreamy, foolish, and indeed fruitless discussion. And like the book, it's boring besides.

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While every effort has been made to insure that this listing is as accurate as possible, we ask that members accept our apologies for any errors, and inform us of any changes.

Wendy Allen's *An Increased Devotion: A New Look at Abraham Lincoln* is currently on display at The Lincoln Museum. Paintings are for sale through The Lincoln Museum Store. For information, please call (260) 455-3864 or contact us at thelincolnmuseum@LNC.com.

